

SEP 12 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTONIO CORDOVA PATINO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-75747

Agency No. A96-132-029

MEMORANDUM^{*}

ANTONIO CORDOVA PATINO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-72053

Agency No. A96-132-029

On Petition for Review of an Order of the
Board of Immigration Appeals

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Submitted September 8, 2008 **

Before: TASHIMA, SILVERMAN, and N.R. SMITH, Circuit Judges.

Antonio Cordova Patino, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") denial of his application for cancellation of removal based on petitioner's failure to establish exceptional or extremely unusual hardship to his United States citizen children. Petitioner also seeks review of the denial of his motion to reopen removal proceedings which was based on petitioner's new evidence of hardship.

We lack jurisdiction to review petitioner's challenge to the BIA's discretionary determination that petitioner failed to show exceptional and extremely unusual hardship to his qualifying relatives. *See Romero-Torres v. Ashcroft*, 327 F.3d 887, 890 (9th Cir. 2003). We, therefore dismiss petitioner's petition for review from the BIA's underlying denial of his application for cancellation of removal relief.

In his motion to reopen, petitioner offered new evidence of hardship by submitting evidence that his children were suffering depression and educational difficulties in the wake of deportation proceedings against petitioner. We conclude

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

that the BIA considered the new evidence, and acted within its broad discretion in determining that the evidence was insufficient to warrant reopening. *See Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2000) (the BIA's denial of a motion to reopen shall be reversed only if it is "arbitrary, irrational, or contrary to law").

**PETITION FOR REVIEW DISMISSED in No. 06-75747; PETITION
FOR REVIEW FOR REVIEW DENIED in No. 07-72053.**